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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,280	08/23/2001	Satoshi Ohta	2019.005	1196

7590 08/11/2003

Patterson, Thunte, Skaar & Christensen, LLC
INTELLECTUAL PROPERTY ATTORNEYS
U. S. Bank Center, Suite 200
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 53202-5345

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,280

Applicant(s)

OHTA ET AL.

Examiner

Carlos Lugo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on June 19, 2003.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 3-20 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,048,002 to Ohta et al (Ohta) in view of US Pat No 6,176,528 to Taga and further in view of US Pat No 5,411,302 to Shimada.

Regarding claims 1,3-16 and 20, Ohta discloses a door closer (103) comprising a latch (108) engaging an engagement member (4), an urging member (111) that urges the latch towards the initial position, a ratchet (110 and 120), an actuation mechanism (114,116,117,118 and 122), a motor (M) and a controller to control the motor (Figures 1,13A-21 and Col. 10 Line 2 to Col. 21 Line 10).

However, Ohta fails to disclose that the latch mechanism includes a courtesy switch and that the controller includes a timer.

Taga teaches that is known in the art to have a courtesy switch (85,86 and 88) to detect the door is in a predetermined position separate from the release position in the door opening direction.

Shimada teaches that is known in the art to have a timer (106) in a controller (100) of a door closer device.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a courtesy switch, as taught by Taga, into a latching device as described by Ohta, in order to prevent inadvertent closing of the door.

Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a timer, as taught by Shimada, into a latching device as described by Ohta, in order to set time to the latching operations.

As to claims 17-19, Ohta discloses the use of a positive temperature coefficient thermistor (147).

Response to Arguments

4. Applicant's arguments filed on June 19, 2003 have been fully considered but they are not persuasive.

Regarding applicant's arguments that the rejection to the claims in view of Ohta, as modified by Taga and Shimada, does not disclose the limitation that the actuation mechanism holds the ratchet at a position at which the ratchet cannot engage with the latch after the ratchet disengages from the latch, unless the courtesy switch detects that the door is located to a predetermined position (Page 10 Line 6), Ohta, as modified by Taga and Shimada, discloses the invention as claimed.

Ohta discloses that the actuation mechanism (114, 117 and 122) holds the ratchet (110 and 120) in a position when the ratchet engages the latch or lock position, or in a position that does not engage the latch or open position (Col. 11 Line 61 to Col. 12 Line 35). Therefore, Ohta discloses the limitation that the

actuation mechanism holds the ratchet at a position at which the ratchet cannot engage with the latch after the ratchet disengages from the latch.

Taga teaches that is known in the art to have a courtesy switch (85,86 and 88) to detect the door is in a predetermined position separate from the release position in the door opening direction in order to prevent inadvertent closing of the door.

Shimada teaches that is known in the art to have a timer (106) in a controller (100) of a door closer device in order to set time to the latching operations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

CL
August 7, 2003


ROBERT J. SANDY
PRIMARY EXAMINER